

REMARKS

Reconsideration of this Application is respectfully requested. Independent claims 1 and 6 are amended, without prejudice or disclaimer. Claims 1-8 are in this case.

Initially, the Examiner objected to the drawings under 37 C.F.R. § 1.84(p)(5) on grounds that they include reference character 16 which is not mentioned in the description. Corrected drawing sheets in compliance with 37 C.F.R. § 1.121(d) or amendment to the Specification to add the reference character in the description are required in reply to the Office Action to avoid abandonment of the Application.

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In response, the Specification is amended at page 4, lines 23-28, as follows:

Advantageously, the light source may be anchored by means of the elastic counteracting members **16** to the walls of the seating 13, which may be configured in such a way as to enable it to accommodate also at least one power supply unit 17 for the light source or the light sources contained therein. (bold emphasis added).

Withdrawal of the Examiner's objection is, therefore, respectfully requested.

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Next, the Examiner rejected claims 1-5 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. The Examiner explains that the claim(s) contain subject matter that is not described in the Specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the Application was filed, had possession of the claimed invention. Specifically, the Examiner asserts that there is no written description of a filtering layer.

Applicant, however, respectfully disagrees. In particular, Applicant respectfully

states that the filtering layer is the light screening means referred to on page 1, lines 23-29. The layer is also indicated in FIG. 1 as item 3, and in FIG. 2 as movable curtain 19. Applicant respectfully notes that this feature is considered well known in the art.

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In addition, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as anticipated by Frey, U.S. Patent No. 1,953,555. The Examiner takes the position that Frey discloses a frame 11 having a C-shaped channel 20 inserted within a groove 15 for accommodating a tubular light 19. He believes that Frey describes at least one glass panel 16 with a layer 18 thereon that inherently provides a degree of filtering. A finishing frame 10, he notes, is also provided.

In addition, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as anticipated by Moosbrugger et al., U.S. Patent No. 4,697,365. The Examiner asserts that this reference discloses a frame 14, a glass panel 11, a filtering layer 12, seating 72 and a tubular light 71.

The Examiner then rejected claims 1, 2, 4, 6 and 8 under 35 U.S.C. § 102(b) as anticipated by Upton et al., U.S. Patent No. 6,406,108. According to the Examiner, Upton et al. disclose, in Figure 3, a glass panel 16 (at least one of the layers 15, he says, can be translucent or opaque, as described, which inherently provides a filter), a C-shaped channel seat 47, and a light 20 in a groove 22. Also, the Examiner continues, a power supply is inherently delivered to light 20 and, therefore, must fit with the channel. The Examiner comments, however, that this claim limitation is not required since it is only set forth by intended use language.

Thereafter, the Examiner rejected claims 1 and 4-8 under 35 U.S.C. § 102(b) as

anticipated by Gai, U.S. Patent Application Publication No. 2002/007576. More particularly, the Examiner argues, Gai teaches a glass panel 8, a filtering layer 6 or 7, a three parallel grooved seating in a metal frame 9, and a tubular light source 2.

Finally, the Examiner rejected claims 6-8 under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over Nomura, U.S. Patent No. Des. 363,997. According to the Examiner, Nomura shows, in Figure 9, a framing member having three parallel grooved seatings. The Examiner concludes that it would have been obvious to one having ordinary skill in the art that the framing member of Nomura could have been formed from metal, as it is considered a well known material used in the framing arts for extruded shapes. He also states that metal would have been an obvious material choice for its ease in being extruded into the particular cross section shown and for its inherent material properties such as strength. Furthermore, he indicates that Applicant's recitations as to the intended use of his invention must result in a structural difference between the invention, as claimed, and the prior art in order to patentably distinguish his invention therefrom. The Examiner continues that if the prior art structure is capable of performing the intended use, then it meets the claim.

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Applicant, however, respectfully disagrees with the Examiner's reading and application of the cited references.

Briefly, Applicant's invention relates to an illuminated window for providing artificial lighting to interior areas where it would otherwise be aesthetically impossible to install the usual lighting fixtures. Even if equipped with artificial light, a window according to Applicant's invention advantageously creates the impression of illumination

with natural light coming from outside.

According to one embodiment, the window is formed by a frame and a glass panel supported by the frame. On a face of the glass panel, a layer of at least partially light reflective material, e.g., sunscreen tissue, is applied. A seating is formed at the inner periphery of the frame for housing a light source. Notably, such seating is arranged on the internal side of the window so that the light source, which extends along the inner periphery of the frame, lies in a plane parallel to the glass panel. In this manner, *the light source is not visible from the inside* - and the light emitted is directed toward the glass panel and reflected evenly onto the inside of the interior area.

Frey, on the other hand, teaches an edge-lighted sign with a transparent plate that allows light to enter through its peripheral edge which is, in turn, aligned in close proximity to a light bulb. Light diffuses through the crystal structure of the plate and the seating where the light bulb is housed. Notably, the light is arranged *co-planarly* with and around the glass panel.

This is completely different from Applicant's invention which provides a window in which light is directed *angularly* onto the glass panel, and the seating for the light bulb is *spaced apart from the plane* in which the glass panel lies. Moosbrugger et al. and Gai also relate to edge illuminated/lighted signs and, for the same reason, are contrary to Applicant's invention.

As for Upton et al., they teach a display cabinet with an internal lighting system mounted in a door frame of the cabinet. A light source is housed in a seating facing the inside of the cabinet for direct illumination of products on display in the cabinet. This is contrary to Applicant's invention which directs light onto a glass panel - the light source

not being visible from the inside.

Finally, Nomura teaches a frame bar with several parallel grooved seatings. However, the shape of the extruded bars, Applicant respectfully submits, are considered dependent upon their intended use and do not yield the intrinsic aesthetic effect provided by Applicant's invention.

Moreover, none of the cited references would be suitable for purposes of Applicant's invention, e.g., using existing windows of a building such as a museum or monument (without replacing them, but rather adding the features of the invention thereto) in order to provide illumination to an interior area, defined by walls where the windows are formed, in which conventional light fixtures would be unacceptable from an aesthetic point of view.

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Applicant has undertaken to amend claims 1 and 6, without prejudice or disclaimer, to generally delineate that the seating and second seatings, respectively, are spaced apart from the panel in which the glass panel lies, and that the light source is distributed along such seating "for directing light angularly onto the glass panel".

Accordingly, Applicant respectfully submits that none of the cited references, whether taken alone or in any combination, disclose or suggest Applicant's invention, as claimed. Withdrawal of the Examiner's rejections under §§ 112, 102(b) and 103(a) is, therefore, respectfully requested.

Applicant has made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention

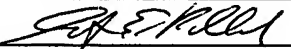
prior to allowance, the Examiner is asked to contact Applicants' counsel at (646) 265-1468.


Respectfully submitted,

Dated: June 26, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope with sufficient postage addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on June 26, 2005
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